

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 166, 168, 170 and 177 are pending in the application, with claim 166 being the independent claim. Applicants have cancelled claims 178 and 180 without prejudice to or disclaimer of the subject matter therein. Support for amended claim 166 can be found, for example, in the specification at page 12, lines 18-20. Support for amended claim 170 can be found, for example, in the specification at page 52, lines 17-19 and 31-32. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The specification has also been amended to update the status of the U.S. applications disclosed in this specification and to perfect the priority claim. Support for the incorporation by reference of the priority applications may be found in the original specification in the paragraph beginning at page 1, line 9.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and request that they be withdrawn and that the application be deemed sufficient for allowance.

Status of the Claims

Claims 166, 168, 170 and 177 are currently under consideration. Claims 1-76, 98-121, 142-165, 178, 180, and 187-204 have been cancelled. Claims 77-95, 122-141, 167, 169, 171-176, 179, 181-186, and 205-246 have been withdrawn from further consideration.

Status of U.S. Applications Disclosed in the Specification

The Examiner requests that "Applicants need to update the status of all U.S. applications disclosed in the specification." (Office Action, page 2, paragraph 6.) Applicants have updated the status of all U.S. applications throughout the specification as requested by the Examiner.

Objection to the Drawings

The Examiner indicates that the submitted drawings fail to comply with the provisions of 37 C.F.R. § 1.84. (Office Action, page 2, paragraph 7.) Applicants submit herewith substitute drawings which are in compliance with the provisions of 37 C.F.R. § 1.84. Applicants respectfully request that the objection be withdrawn.

Rejections Under 35 U.S.C. § 112, First Paragraph, Enablement

The Examiner rejected claims 178 and 180 under 35 U.S.C. § 112 as allegedly "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." (Office Action, page 3, paragraph 9.)

Applicants respectfully disagree with the Examiner's rejection. However, solely in an effort to expedited allowance, Applicants have cancelled claims 178 and 180 without prejudice to or disclaimer of the subject matter therein. Applicants preserve the right to pursue the subject matter of these cancelled claims in a continuing application. Accordingly, the rejection under 35 U.S.C. § 112 has been rendered moot. Applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 112, First Paragraph, Written Description

The Examiner rejected claim 170 under 35 U.S.C. § 112, first paragraph, as allegedly "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." (Office Action, page 5, paragraph 10.) It is the Examiner's position that the claim "as currently written depends from claim 166 which specifies that the peptide is less than 15 amino acids. Thus, claim 170 would encompass the elected peptide fused to a T helper peptide wherein the total length of the fused peptide is 15 amino acids." (Office Action, page 6, paragraph 10.) Applicants respectfully traverse this rejection as it may apply to the pending claims.

Applicants note that claim 166 has been amended to recite " [a]n isolated peptide comprising an oligopeptide less than 15 amino acids in length. . . ." In order to further clarify and convey that the "less than 15 amino acids in length" language refers to the oligopeptide and not to the "isolated peptide", Applicants have also amended claim 170 to recite "the isolated peptide of claim 166, further comprising a T helper peptide linked to said isolated peptide." It is clear that newly amended claim 170 encompasses an isolated peptide comprising a T helper peptide that is linked to the selected oligopeptide, wherein the length of the selected *oligopeptide* is less than 15 amino acids in length. Support for a peptide linked to a T helper peptide can be found, for example, in the specification at page 52, lines 17-19 and 31-32.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Priority For the Claimed Species of Peptide Under Examination

The Examiner asserts that Applicants have indicated that the claimed species of peptide under examination is disclosed in U.S. Appl. No. 08/103,396 ('396), but that there is currently no priority claim to this application in the instant application. (Office Action, page 6, paragraph 11.) As such, the Examiner further asserts that, regarding the application of prior art, the priority date of the elected peptide is that of the instant application (Office Action, page 6, paragraph 11.)

Applicants have amended the specification to claim priority to the above-mentioned '396 application, filed on August 6, 1993, and to a chain of intervening priority applications. Thus, the instant application is entitled to the benefit of the filing date of the '396 application.

Rejections Under 35 U.S.C § 102(b)

The Examiner rejected claims 166, 168, 170, 177, 178 and 180 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kubo *et al.* (WO 94/03205, published February 1994). (Office Action, page 6, paragraph 8.) Applicants note that the specification has been amended to claim priority to U.S. Appl. No. 08/103,396, filed August 6, 1993, in which the species of peptide under examination is disclosed. Since the August 6, 1993 priority date for the peptide under examination is earlier than the February 1994 publication date of Kubo *et al.*, Kubo *et al.* is not available as prior art against the present claims. Accordingly, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 102(b) be withdrawn.


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. Applicants respectfully submit that the application is in proper condition for allowance.

Respectfully submitted,

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